

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER 19328

BACKGROUND

1. On July 22, 2015, Adam Stutzman filed in the Department of Natural Resources an Application for Approval of Plans for Dams and plan P-19328.
2. The plan, P-19328, is for Langworthy Dam, currently subject to the *Safety of Dams and Reservoirs Act*. The dam is located in the SW1/4 of Section 35, Township 10 North, Range 1 East of the 6th P.M. in Seward County.
3. James Musilek, P.E. of Mid-State Engineering & Testing, Inc., 279 Road D, Columbus, Nebraska 68601, prepared the plan.
4. Adam Stutzman, 4410 Old Cheney Road, Beaver Crossing, Nebraska 68313, owns the dam and reservoir.
5. P-19328 is for the partial removal or breaching of Langworthy Dam. The partial removal will result in a channel through the dam to the natural bed elevation of the stream. Upon completion, Langworthy Dam will no longer be capable of impounding water, wastewater, or other liquid borne materials and will no longer be considered a dam as defined by *Neb. Rev. Stat. § 46-1611*.
6. P-19328 was examined by a Registered Professional Engineer of the Department of Natural Resources and was found to be consistent with current standards.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams and plan P-19328 are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for the purpose of breaching Langworthy Dam until September 15, 2015.
2. The owner of a dam shall notify the Department of Natural Resources before breaching of the dam is to begin.
3. Upon completion of the breaching of the dam, the owner shall file with the Department of Natural Resources the enclosed "Construction Certification Form for Dams".

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to any orders issued by the Director of the Department of Natural Resources may result in administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES

July 24, 2015


James C. Schneider Ph.D., Acting Director

The applicant and any person with sufficient legal interest who has been or may be substantially affected by this approval may request a contested case hearing in accordance with the *Neb. Admin. Procedures Act* §§ 84-901 et. seq. RRS and the Department of Natural Resources' *Rules of Practice and Procedure 454 Neb. Admin. Code Chapter 7*. The request must be received by the Department of Natural Resources at its Lincoln office (Nebraska State Office Building, 4th Floor, 301 Centennial Mall South, P.O. Box 94676, Lincoln, Nebraska 68509-4676) within 30 days of the date of the approval and be accompanied by a filing fee of \$10.

A copy of this approval was posted on the Department of Natural Resources' website. Copies of this approval, plan P-19328, and a "Construction Certification Form for Dams" were mailed on July 24, 2015, to Adam Stutzman, 4410 Old Cheney Road, Beaver Crossing, Nebraska 68313. Copies of this approval and a "Construction Certification Form for Dams" were mailed to James Musilek, P.E., Mid-State Engineering & Testing, Inc., 279 Road D, Columbus, Nebraska 68601. Copies of this approval and plan P-19328 were provided to the Department of Natural Resources' field office in Lincoln, Nebraska. Copies of this Approval were mailed to the Upper Big Blue Natural Resources District, 105 North Lincoln Avenue, York, Nebraska 68467.